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In re Application of : DECISION ON PETITION
Scott Douglas Kaiser : TO MAKE SPECIAL
Application No.: 10/659,891 :
Filing Date: September 11, 2003 :
Attorney's Docket No.: 243741US2DIV :

This is a decision on the petition to make special under MPEP § 708.02 (VIII) filed on April 5, 2004. Although the Application Number is listed as 10/659,181 at the top of the petition, the other information such as the Inventor and the Title clearly indicates that the petition is for Application Number 10/659,891.

The petition is GRANTED.

In order for an application to be granted special status under MPEP § 708.02 (VIII), an applicant has to satisfy the following five requirements:

- (A) submit a petition accompanied by the fee set forth in 37 C.F.R. § 1.17(h);
- (B) present all claims directed to a single invention or in the event that the United States Patent and Trademark Office determines that all the claims presented are not obviously directed to a single invention, make an election without traverse as a prerequisite to the grant of special status;
- (C) state that a pre-examination search was made, listing the field of search;
- (D) submit a copy of the most relevant references; and
- (E) submit a detailed discussion of the references indicating how the claimed subject matter is patentable over the references.

The petition filed on April 5, 2004 includes a showing that complies with the above requirements to permit the application to be made special under the accelerated examination procedure.

Accordingly, the petition is granted.

The application will be indicated to be special and prosecution will proceed according to the accelerated examining procedures set forth in MPEP § 708.02 (VIII). However, as also set forth in MPEP § 708.02 VIII, if a restriction requirement is made by the Office and applicant refuses to make an election without traverse, the application will not be further examined at that time. Instead, the decision granting the petition will be revoked on the ground that all the claims are not directed to a single invention and the application will be returned to normal status and await action in its regular turn.

Inquiries regarding this decision should be directed to Edward Westin at (571) 272-1638.

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